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TC 1700 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67681

Atsushi FUNABIKI, et al.

Appln. No.: 10/009,534

Group Art Unit: 1745

Confirmation No.: 4025

Examiner: Carol Diane Chaney

Filed: December 14, 2001

For: POSITIVE ACTIVE MATERIAL FOR SECONDARY BATTERY, PROCESS FOR PREPARATION THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY COMPRISING SAME

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$110.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

A handwritten signature in black ink that appears to read "Bruce E. Kramer".

Bruce E. Kramer  
Registration No. 33,725

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: December 10, 2003

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#### TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, JAPAN STORAGE BATTERY CO., LTD., represents that the petitioner, JAPAN STORAGE BATTERY CO., LTD. is the owner of the entire right, title and interest of U.S. Application No. 09/878,203, filed on June 12, 2001, for POSITIVE ACTIVE MATERIAL FOR SECONDARY BATTERY, PROCESS FOR PREPARATION THEREOF AND NON-AQUEOUS SECONDARY BATTERY COMPRISING THE SAME by virtue of an Assignment from all of the inventors thereof executed on June 5, 2001, recorded on June 12, 2001, at Reel 011897, Frame 0062, as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/009,534 by virtue of an Assignment from all of the inventors thereof executed on December 6, 2001, recorded on December 14, 2001, at Reel 012612, Frame 0117.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/009,534 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application No. 09/878,203, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/009,534 shall be enforceable only for and during such period that the legal title to any patent issuing from U.S. Application No. 09/878,203 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/009,534, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/009,534 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/009,534 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application No. 09/878,203 in the event that any patent issuing from U.S. Application No. 09/878,203 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Terminal Disclaimer  
U.S. Patent Application Ser. No.: 10/009,534

Attorney Docket No.: Q67681

The undersigned whose signature and title appear below is empowered to act on  
behalf of petitioner.

Respectfully submitted,

Bruce E. Kramer

Bruce E. Kramer  
Registration No. 33,725

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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